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November 10, 2023

VIA ECF

Hon. Cathy Seibel
U.S. District Judge
Southern District of New York
300 Quarropas Street
White Plains, New York 10601

Re: *Magalios v. Peralta et. al.*; Case No. 19-cv-6188 (CS)

Dear Judge Seibel:

On behalf of Defendants Mathew Peralta, Timothy Bailey, and Edward Blount (collectively, "Defendants"), we respectfully request that the Court vacate the Abstract of Judgment filed by Plaintiff Nicholas Magalios on November 7, 2023 (ECF No. 75) and issued by the Clerk of the Court on that same day. The Abstract of Judgment states incorrect values for the awards of judgment assessed against each of the Defendants.

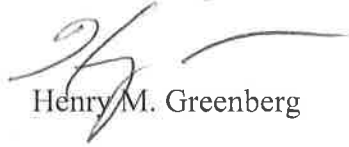
By way of background, on April 30, 2021, the jury returned a verdict assessing \$50,000.00 in compensatory damages against all the Correction Officers, \$350,000.00 in punitive damages as against Correction Officers Peralta and Bailey, and \$250,000.00 in punitive damages as against Correction Officer Blount. Defendants moved for a new trial or remittitur of the damages (ECF No. 45). Thereafter, the Court denied Defendants' motion for a new trial subject to the condition that Plaintiff accept a remittitur to the punitive damage awards (ECF No. 56). The punitive damage awards were accordingly reduced as follows: \$200,000.00 as against Correction Officers Peralta and Bailey, and \$100,000.00 as against Correction Officer Blount. The remittitur was affirmed by the Second Circuit Court of Appeals. *Magalios v. Peralta et. al.*, Nos. 22-519-pr(L), 22-541-pr(XAP), Summary Order at 10-11 (August 9, 2023).

Inexplicably, Plaintiff's Abstract of Judgment fails to account for the remittitur (which he accepted). Accordingly, Defendants respectfully request that the Court vacate the Abstract of Judgment forthwith.

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Very truly yours,

GREENBERG TRAURIG, LLP



Henry M. Greenberg

HMG/JAY

cc: All Counsels of Record Via ECF